

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SHANNON LUTTRELL,  
Personal Representative of the  
Estate of Jeremy Shane Luttrell,  
deceased

Case No. 23-cv-12352

Plaintiff,

Hon. Jonathan J.C. Grey  
Mag. Judge Curtis Ivy, Jr.

v.

THE CITY OF GIBRALTAR,  
a Michigan Municipal Corporation,  
TIMOTHY TRUSH and MICHAEL LEZOTTE,

Defendants

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**STIPULATED ORDER TO DISMISS COUNT II AND REMAND THE  
REMAINDER OF THE CASE (COUNT I) TO STATE COURT**

**IT IS HEREBY STIPULATED** by the parties, through their respective counsel that Count II of the Complaint, Municipal Liability of Defendant City of Gibraltar, for which this Court has federal subject matter jurisdiction, is dismissed without prejudice; and

**IT IS FURTHER STIPULATED** that the remainder of the Complaint (Count I) be remanded to the Wayne County Circuit Court for further proceedings.

Pursuant to the above stipulations, the Court hereby **ORDERS** that Count II of the Complaint is **DISMISSED WITHOUT PREJUDICE** and **REMANDS** the

remainder of this case (Count I) to the Wayne County Circuit Court for further proceedings.

**s/Jonathan J.C. Grey**

HON. JONATHAN J.C. GREY

United States District Judge

Dated: June 14, 2024

Approved as to form:

/s/ David A. Bajorek, (with permission)

DAVID A. BAJOREK (P39096)

Attorney for Plaintiff

/s/ Richard V. Stokan, Jr.

RICHARD V. STOKAN, JR. (P61997)

Attorney for Defendants

### **Certificate of Service**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First-Class U.S. mail addresses disclosed on the Notice of Electronic Filing on June 14, 2024.

**s/ S. Osorio**

Sandra Osorio

Case Manager